IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

Crl.Rev.Pet.No. 270 of 1998

MC.179/1995 of JUDL.MAGISTRATE OF FIRST CLASS COURT, PAYYANNUR

REVN. PETITIONER - RESPONDENT:

T.G. SAJEEVAN, AGED 32 YEARS,
S/O. THAZHEVEETTIL GOPALAN,
SN. DRESSES, MANAKADAVU,
P.O. MANAKADAVU, ALAKODE,
TALIPARAMBA TALUK
KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ
SMT.K.V.BHADRA KUMARI

RESPONDENTS - PETITIONERS:

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1. T.P. HEMALATHA, AGED 29 YEARS,
W/O. T.G. SAJEEVAN AND D/O. T.P. BABU,
THATTASSERY PARAMBIL HOUSE,
VELLUR VILLAGE, THALIPARAMBA
TLUK, KANNUR DISTRICT.

2. SANJULAL, AGED 8 YEARS (MINOR),
REPRESENTED BY GUARDIAN, MOTHER
IST PETITIONER, RESIDING ALONG WITH
IST PETITIONER, VELLUR VILLAGE,
KANNUR DISTRICT.

3. SAJEETH LAL, AGED 5 YEARS (MINOR), DO. DO.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 270 OF 1998

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Dated this the 16th day of January, 2007

O R D E R

Husband, respondent in M.C. No. 179 of 1995 on the file of the Judicial First Class Magistrate, Payyannur is the revision petitioner. Learned Magistrate directed the petitioner to pay maintenance at the rate of Rs.300/- each per month to respondents 2 and 3.

2. First respondent is the wife. Respondents 2 and 3 are the children of petitioner and first respondent in that wedlock. Respondents filed petition claiming separate maintenance alleging that petitioner deserted them and there is wilful default on the part of petitioner to maintain them. It was also alleged that first respondent was driven out of the matrimonial home and in spite of mediation petitioner has not paid any maintenance.

3. Petitioner admits the status of the respondents. Paternity of the children was also admitted. The contention of the first respondent that she was driven out of the matrimonial home was denied. It is contended that she was living separately and

she left the matrimonial home on her own accord without any sufficient reason.

4. Learned Magistrate who had occasion to watch the demeanour of parties accepted evidence of P.W.1 and found that respondents are entitled to get maintenance. Amount awarded is only Rs.300/- each per month. The same is only reasonable. So no grounds are made out to interfere with the order passed by the learned Magistrate and the revision petition is only to be dismissed.

In the result, Criminal Revision Petition is dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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O R D E R

16TH JANUARY, 2007